

# House File 2316 - Introduced

HOUSE FILE 2316  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 512)

## A BILL FOR

1 An Act prohibiting certain credits for time served while on  
2 probation, and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 907.3, subsection 3, unnumbered  
2 paragraph 1, Code Supplement 2011, is amended to read as  
3 follows:

4 By record entry at the time of or after sentencing, the court  
5 may suspend the sentence and place the defendant on probation  
6 upon such terms and conditions as it may require including  
7 commitment to an alternate jail facility or a community  
8 correctional residential treatment facility to be followed  
9 by a period of probation as specified in section 907.7, or  
10 commitment of the defendant to the judicial district department  
11 of correctional services for supervision or services under  
12 section 901B.1 at the level of sanctions which the district  
13 department determines to be appropriate and the payment of  
14 fees imposed under section 905.14. A person so committed who  
15 has probation revoked shall not be given credit for such time  
16 served. However, the a person committed to an alternate jail  
17 facility or a community correctional residential treatment  
18 facility who has probation revoked shall be given credit for  
19 time served in the facility. The court shall not suspend any  
20 of the following sentences:

21 Sec. 2. APPLICABILITY AND WAIVER OF RIGHTS. A person who  
22 commits an offense prior to the effective date of this Act  
23 may expressly state to the court, at the time of sentencing,  
24 that the person waives any rights under Anderson v. State,  
25 801 N.W.2d 1, relating to the calculation of credit for time  
26 served, and agree to be sentenced using credits as calculated  
27 under section 907.3 as amended by this Act. If the court finds  
28 the waiver voluntary, the sentencing order shall reference the  
29 person's waiver of rights under Anderson, and order that credit  
30 for time served be calculated under section 907.3, as amended  
31 by this Act.

32 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
33 immediate importance, takes effect upon enactment.

34 EXPLANATION

35 This bill relates to receiving credit for time served while

1 on probation.

2 The bill specifies that a person who receives a suspended  
3 sentence and is placed on probation and who has probation  
4 subsequently revoked shall not be given credit for time  
5 served while on probation unless the person has been committed  
6 to an alternate jail facility or a community correctional  
7 residential treatment facility. A person who serves time in a  
8 jail receives credit for time served pursuant to Code section  
9 903A.5.

10 The bill is in response to Anderson v. State, 801 N.W.2d 1  
11 (Iowa 2011), in which the Iowa supreme court ruled Iowa law  
12 requires a person, who is on probation and subsequently sent to  
13 prison, to receive credit for the time served at an alternate  
14 jail facility, a community correctional residential treatment  
15 facility, or a judicial district department of correctional  
16 services for supervision or services.

17 The bill also provides that a person who commits an offense  
18 prior to the effective date of the bill may expressly state  
19 to the court, at the time of sentencing, that the person  
20 waives any rights under the Anderson case that relate to  
21 the calculation of credit for time served, and agrees to be  
22 sentenced using credits as calculated under Code section 907.3,  
23 as amended by the bill.

24 Credit for time served ultimately reduces the period of time  
25 a person serves in confinement in a jail or prison. Credit for  
26 time served is not earned time under Code section 903A.2.

27 The bill takes effect upon enactment.